FIFTEENTH ANNUAL REPORT

of the

SURFACE RIGHTS BOARD

appointed under

the SURFACE RIGHTS ACT

for the year 1986

C.J. (CEC) PURVES

CHAIRMAN

L.N. MILLER

VICE-CHAIRMAN

MEMBERS:

J.J. Leddy

D.N. Macdonald

A.D. MacKenzie

F. Martin

H.R. Watson

S.C. Wishloff

E.A. Shupenia

Executive Director

J.E. Hauck

Secretary

Honourable Shirley Cripps
Associate Minister of Agriculture
319 Legislature Building
EDMONTON, Alberta
T5K 2B6

Madam:

I have the honour to submit the Fifteenth Annual Report of the Surface Rights Board for the calendar year ended December 31, 1986.

Mr. L. N. Miller was appointed Vice-Chairman in mid-year replacing Mr. K. J. Spread who retired.

The number of orders issued in 1986 totalled 2,588, the breakdown of which is as follows:

Right of Entry:	Mineral Recovery	130	
	Power Transmission Lines ...	64	
	Pipelines	134	
	Coal	0	
	Other	2	
	SUBTOTAL		330
Compensation			447
Termination			192
Rescission			74
Amending			837
Order Determining Costs			7
Partial Termination			16
Varying Rate of Compensation			537
Varying Rate of Compensation and Amending			148
			2,588

The oil and gas industry was less active in 1986 than in the previous year with the result that fewer applications for right of entry were filed with the Board, particularly in southern Alberta. However there was a marked increase in the number of applications to review the rate of compensation under older surface leases, particularly with respect to power transmission lines.

Most of the applications for right of entry as well as for reviews of the rate of compensation were with respect to lands in central and northern Alberta and were lodged with the Board at its Edmonton office. The Board is also in the midst of a program of conversion to computerization and has, as well, commenced microfilming all its records. This has increased the workload in Edmonton, for the short term at least, resulting in the transfer of some support positions from the Calgary office.

The attached statements, 1 to 13, inclusive, provide a detailed analysis of the number, nature and status of all applications received in 1986; statement 14 summarizes the number of applications scheduled for hearing and the number of applications heard during 1986; and statement 15 relates to the appeals to the Courts from the decisions of the Board.

Respectfully submitted,

C. J. (Cec) Purves,
Chairman

STATEMENT 1

SURFACE RIGHTS BOARD

SUMMARY OF APPLICATIONS UNDER THE SURFACE RIGHTS ACT
FOR RIGHT OF ENTRY FOR OIL AND GAS
dealt with in 1986

	CROWN	PRIVATE	TOTAL
APPLICATIONS:			
Carried over from previous year	45	101	146
Received during the year	46	95	141
	91	196	287
APPLICATIONS DISPOSED OF:			
Right of Entry granted			
- compensation determined	66	102	168
- settled independently of Board	1	14	15
No Right of Entry granted			
- application withdrawn	4	10	14
- settled privately	2	20	22
	73	146	219
APPLICATIONS OUTSTANDING:	18	50	68

STATEMENT 2

SURFACE RIGHTS BOARD

SUMMARY OF APPLICATIONS UNDER THE SURFACE RIGHTS ACT
FOR RIGHT OF ENTRY FOR PIPELINES
dealt with in 1986

	CROWN	PRIVATE	TOTAL
APPLICATIONS:			
Carried over from previous year	6	126	132
Received during the year	11	162	173
	17	288	305
APPLICATIONS DISPOSED OF:			
Right of Entry granted			
- compensation determined	8	145	153
- settled independently of Board	5	39	44
No Right of Entry granted			
- application withdrawn	0	16	16
- settled privately	2	27	29
	15	227	242
APPLICATIONS OUTSTANDING:	2	61	63

STATEMENT 3

SURFACE RIGHTS BOARD

SUMMARY OF APPLICATIONS UNDER THE SURFACE RIGHTS ACT
FOR RIGHT OF ENTRY FOR POWER TRANSMISSION LINES
dealt with in 1986

	CROWN	PRIVATE	TOTAL
APPLICATIONS:			
Carried over from previous year	6	64	70
Received during the year	36	36	72
	42	100	142
APPLICATIONS DISPOSED OF:			
Right of Entry granted			
- compensation determined	38	46	84
- settled independently of Board	0	18	18
No Right of Entry granted			
- application withdrawn	0	2	2
- settled privately	1	1	2
	39	67	106
APPLICATIONS OUTSTANDING:	3	33	36

STATEMENT 4

SURFACE RIGHTS BOARD

SUMMARY OF APPLICATIONS UNDER THE SURFACE RIGHTS ACT
FOR RIGHT OF ENTRY FOR COAL AND OTHER
dealt with in 1986

	CROWN	PRIVATE	TOTAL
APPLICATIONS:			
Carried over from previous year	0	1	1
Received during the year	0	2	2
	0	3	3
APPLICATIONS DISPOSED OF:			
Right of Entry granted			
- compensation determined	0	0	0
- settled independently of Board	0	0	0
No Right of Entry granted			
- application withdrawn	0	1	1
- settled privately	0	0	0
	0	1	1
APPLICATIONS OUTSTANDING:	0	2	2

STATEMENT 5

SURFACE RIGHTS BOARD

SUMMARY OF APPLICATIONS UNDER THE SURFACE RIGHTS ACT
FOR ALL APPLICATIONS FOR RIGHT OF ENTRY
dealt with in 1986

	CROWN	PRIVATE	TOTAL
APPLICATIONS:			
Carried over from previous year	57	292	349
Received during the year	93	295	388
	150	587	737
APPLICATIONS DISPOSED OF:			
Right of Entry granted			
- compensation determined	112	293	405
- settled independently of Board	6	71	77
No Right of Entry granted			
- application withdrawn	4	29	33
- settled privately	5	48	53
	127	441	568
APPLICATIONS OUTSTANDING:	23	146	169

STATEMENT 6

SURFACE RIGHTS BOARD

SUMMARY OF APPLICATIONS UNDER THE SURFACE RIGHTS ACT
FOR TERMINATION OF RIGHT OF ENTRY IN FULL
dealt with in 1986

	CROWN	PRIVATE	TOTAL
APPLICATIONS RECEIVED:			
Carried over from previous year	4	31	35
Received during the year	28	147	175
	32	178	210
APPLICATIONS DISPOSED OF:			
Request for termination granted	31	166	197
Request for termination withdrawn	0	1	1
	31	167	198
APPLICATIONS OUTSTANDING:	1	11	12

STATEMENT 7

SURFACE RIGHTS BOARD

SUMMARY OF APPLICATIONS UNDER THE SURFACE RIGHTS ACT
FOR TERMINATION IN PART OF RIGHT OF ENTRY
dealt with in 1986

	CROWN	PRIVATE	TOTAL
APPLICATIONS RECEIVED:			
Carried over from previous year	5	2	7
Received during the year	7	6	13
	12	8	20
APPLICATIONS DISPOSED OF:			
Request for termination in part granted	9	7	16
Request for termination in part withdrawn ...	1	0	1
	10	7	17
APPLICATIONS OUTSTANDING:	2	1	3

STATEMENT 8

SURFACE RIGHTS BOARD

SUMMARY OF RATE OF COMPENSATION REVIEWS
PURSUANT TO SECTION 27 OF THE SURFACE RIGHTS ACT
dealt with in 1986

APPLICATIONS RECEIVED:

Carried over from previous year	17
Received during the year	20
	37

APPLICATIONS DISPOSED OF:

Heard and compensation determined	27
Settled independently of Board	5
Withdrawn	0
Rejected - lack of jurisdiction	0
	32

APPLICATIONS OUTSTANDING: 5

STATEMENT 9

SURFACE RIGHTS BOARD

SUMMARY OF RATE OF COMPENSATION REVIEWS
PURSUANT TO SECTION 28 OF THE SURFACE RIGHTS ACT
dealt with in 1986

APPLICATIONS RECEIVED:

Carried over from previous year	11
Received during the year	3
	14

APPLICATIONS DISPOSED OF:

Heard and compensation determined	8
Settled independently of Board	5
Withdrawn	0
Rejected - lack of jurisdiction	0
	13

APPLICATIONS OUTSTANDING: 1

STATEMENT 10

SURFACE RIGHTS BOARD

SUMMARY OF RATE OF COMPENSATION REVIEWS
PURSUANT TO SECTION 29 OF THE SURFACE RIGHTS ACT
dealt with in 1986

APPLICATIONS RECEIVED:

Carried over from previous year	60
Received during the year	122
	182

APPLICATIONS DISPOSED OF:

Heard and compensation determined	41
Settled independently of Board	90
Withdrawn	0
Rejected - lack of jurisdiction	2
	133

APPLICATIONS OUTSTANDING: 49

STATEMENT 11

SURFACE RIGHTS BOARD

SUMMARY OF RATE OF COMPENSATION REVIEWS
PURSUANT TO SECTION 30 OF THE SURFACE RIGHTS ACT
dealt with in 1986

APPLICATIONS RECEIVED:

Carried over from previous year	41
Received during the year	175
	216

APPLICATIONS DISPOSED OF:

Heard and compensation determined	74
Settled independently of Board	61
Withdrawn	15
Rejected - lack of jurisdiction	0
	150

APPLICATIONS OUTSTANDING: 66

STATEMENT 12

SURFACE RIGHTS BOARD

SUMMARY OF SETTLEMENTS OF DISPUTES
PURSUANT TO SECTION 33 OF THE SURFACE RIGHTS ACT
dealt with in 1986

APPLICATIONS RECEIVED:

Carried over from previous year	1
Received during the year	4
	5

APPLICATIONS DISPOSED OF:

Heard and compensation determined	1
Settled independently of Board	3
Withdrawn	0
Rejected - lack of jurisdiction	0
	4

APPLICATIONS OUTSTANDING: 1

STATEMENT 13

SURFACE RIGHTS BOARD

SUMMARY OF ALL APPLICATIONS FOR RECOVERY OF RENTAL PURSUANT TO SECTION 39 OF THE SURFACE RIGHTS ACT dealt with in 1986

APPLICATIONS RECEIVED:

Carried over from previous year	16
Received during the year	30
	46

APPLICATIONS DISPOSED OF:

Completed	29
Rejected - lack of jurisdiction	0
	29

APPLICATIONS OUTSTANDING: 17

STATEMENT 14

SURFACE RIGHTS BOARD

SUMMARY OF BOARD HEARINGS DURING 1986

	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC	TOTALS
NO. OF APPLICATIONS SCHEDULED	133	94	75	113	61	66	63	69	79	76	95	49	973
NO. OF APPLICATIONS RESCHEDULED	20	27	14	12	14	13	14	9	23	12	12	7	177
NO. OF APPLICATIONS ADJOURNED	--	2	3	7	5	--	34	13	--	--	--	--	64
NO. OF APPLICATIONS POSTPONED	31	--	2	14	--	6	2	--	1	1	--	1	58
NO. OF APPLICATIONS SETTLED	32	38	26	39	22	6	5	24	10	25	22	13	262
TOTALS	83	67	45	72	41	25	55	46	34	38	34	21	561
NO. OF APPLICATIONS HEARD AND COMPLETED													
Mineral Recovery	20	10	14	15	5	2	2	3	2	1	35	7	116
Pipelines	31	9	6	6	5	3	2	--	33	1	8	9	113
Power Transmission lines	--	6	11	5	--	1	3	--	5	30	--	--	61
Reviews	14	8	2	18	13	39	3	21	7	6	17	12	160
Objections	--	--	--	--	--	--	--	--	--	--	--	--	0
Damages	--	--	--	--	--	--	--	--	--	1	--	--	1
Inquiries	--	--	--	--	--	--	--	--	--	4	1	--	5
Costs	--	--	--	--	--	--	--	--	--	2	--	--	2
Coal Mines	--	--	--	--	--	--	--	--	--	--	--	--	0
Expropriation	--	--	--	--	--	--	--	--	--	--	--	--	0
Other	--	--	--	--	--	--	--	--	--	--	--	--	0
TOTALS	65	33	33	44	23	45	10	24	47	45	61	28	458

STATEMENT 15

SURFACE RIGHTS BOARD

SUMMARY OF APPEALS FROM DECISIONS OF THE BOARD
TO THE COURTS UNDER THE SURFACE RIGHTS ACT

	BY OPERATOR	BY LANDOWNER	CROSS-APPEALED	TOTAL
Carried over from previous year	54	169	0	223
No. of Applications upon which Notices were filed during 1986	33	47	2	82
	87	216	2	305
DISPOSITION OF APPEALS				
Abandoned, Settled, Withdrawn or discontinued before being heard by the Courts	15	69	0	84
Dealt With by Courts				
Heard and Dismissed (Board Award Upheld).....	8	22	0	30
Heard and Board Award Increased	1	16	0	17
Heard and Board Award Decreased	4	1	0	5
TOTAL DISPOSED OF	28	108	0	136
OUSTANDING:	59	108	2	169